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ABSTRACT

School desegregation, the legal vehicle to end racial discrimination in U.S. society, may be viewed as a three-generational issue. The first generation is confined to ending physical segregation of students by race, whereas the second generation targets racial and gender segregation within classrooms and other practices (i.e., suspensions, dropouts, special education, and gifed education). Third-generation concerns demand that schools attack unresolved first- and second-generation issues by eliminating physical separation of students in unequal schools and unequal programs. The need for new directives and a process for governing Iowa school desegregation is imperative. School integration will help students develop a respect and appreciation for diversity as a strength, rather than to fear it or see it as problematic. The race equity review process described in this booklet replaces the "Policies and Guidelines on Nondiscrimination in Iowa Schools" that were part of a state-approved review process in 1972. After defining terms, the booklet covers school accreditation standards related to race equity and relevant Iowa Code requirements, statutes, and court decisions. Subsequent sections treat selection into the race equity review process, components of the process, onsite reviews, timelines, schedules, progress report components, district responsibility for findings, action plan components, and failure to comply provisions. (MLH)

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The Race Equity Review Process

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Iowa Department of Education

April 1990

EA 022 433

The Race Equity Review Process

Approved
by
State Board of Education
April 12, 1990

Iowa Department of Education
Bureau of School Administration and Accreditation

State of Iowa
DEPARTMENT OF EDUCATION
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Des Moines, Iowa 50319-0146

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The Department provides civil rights technical assistance to public school districts, nonpublic schools, area education agencies, and area schools to help them eliminate discrimination in their education programs, activities, or employment. For assistance, contact the assistant chief, Bureau of School Administration and Accreditation, Iowa Department of Education.

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Introduction

> "Thirty-five years ago, some previously all-white schools admitted Black children only because they had to. Federal Marshals stood on schoolhouse steps and said desegregation is the law of the land and that is the way it is going to be from now on. Three decades ago we thought the racial separation of American school children was going to come to an end. We were wrong. It hasn't. In fact, it is getting worse."

Segregation deprives thousands of school children of their civil rights. It infringes upon the present and impedes the progress of the future. It forces the growing population of people of color to a life of second-class citizenship and well being. While, it perpetuates the system of a nation divided, unjust and unequal. School desegregation is the legal vehicle to end this dilemma in our society.

School desegregation is viewed as a three generational issue. The first generation is confined to ending physical segregation of students by race. The second generation is directed towards ending the segregation of students by race and by sex within classrooms and other educational practices (i.e. suspensions, dropouts, special education, gifted education . . .). The third generation evolves out of the recognition of renewed physical segregation coupled with unresolved second generational issues. Today we are faced with the task of eliminating physical separation of students in unequal schools and unequal programs. Thus, the need for new directives and a process for governing desegregation in Iowa schools is imperative.

In this state there should be no barrier to education based on the fact of a child's racial/ethnic identity. Segregation deprives all segments of society, regardless of their racial/ethnic category of the vital life experiences without which they are greatly disadvantaged. Any form of segregation which divides children by racial/ethnic category, color, creed, economic status, national origin, gender or disability deprives them of a full view of, and participation in our society.

Racial integration in schools and school programs, reinforces likeness and the common experiences children have rather than their differences. It provides the opportunity to learn from and about others and what they can do. Barriers which make it difficult for groups to live and work together are broken down. Behavior patterns that promote tolerance, respect and appreciation for diversity can be cultivated. Ultimately integrated education provides a model for and reinforces integration in society in general. None of these things occur in a segregated school or school programs and in fact their opposites are reinforced in a way that can be very harmful to children regardless of their racial group. In this age of increasing cultural diversity in our state and country, and our exploration of the frontiers of a global economy school integration will help our students develop a respect and appreciation of diversity as a strength rather than to fear it or see it as a problem.

The Network of Regional Desegregation Assistance Centers, "A Report on the Condition of Desegregation in America's Public School,." 1989.

The "Race Equity Review Process" described in this booklet replaces the "Policies and Guidelines on Nondiscrimination In Iowa Schools" that were part of the desegregation review process that was approved by the State Board of Education in 1972. This new process is broader in both scope and purpose.

The Iowa Department of Education continues to be responsible for federal compliance monitoring for Title VI of the Civil Rights Act of 1964 which prohibits discrimination against students on the basis of race, color, or national origin in agencies receiving funds. This process is also the vehicle for monitoring district compliance with school accreditation standards which are equity related and state laws which relate directly to equity issues. The state laws and standards require the monitoring of "second generation" desegregation issues which emphasize equal opportunity in education programs, school activities, and district employment.

The Department also recognizes that Iowa is part of a national culture that facilitated unequal opportunity for many generations and that the legal commitments to end such unequal opportunity have only been made within the last generation. All segments of our society, including education, will need to work in concert for many years to eradicate the affects of the long-term history of unequal opportunity. The role of the Department, through the Race Equity Review Process is to maintain a vigilance that helps to ensure that the education community is part of the solution to these problems. While our vigilance will cause us to report on the status of ethnic and culturally diverse students in our schools, we must be careful not to make such reports an indictment of those schools who are actively intervening to solve the problems that may be reported.

The purpose of this process, therefore, is twofold. First, Department staff will monitor and report the status of selected school districts with regard to their compliance with certain federal and state equity requirements. Second, encouragement, recognition, and support will be provided to district efforts toward increasing opportunities for African American, Asian American, Hispanic and American Indian students and staff. A carefully structured review process helps to consistently clarify the state and federal expectations for school districts and allows districts to predict how they will be impacted through the various steps in the process.

This document was developed by Cyndy Reed-Stewart, Race Equity Consultant. Acknowledgements are in order for the direction and assistance given from Ted Stilwill, Dwight Carlson, Bill Bean and Tom Andersen. Special gratitude is expressed to the district representatives who responded to earlier drafts of this process, and to Shirley Van Deventer for preparing the document.

DEFINITION OF TERMS

For the purpose of this handbook the following definitions apply:

A. **Advisory Committee** - A group of people as identified in section 280.12, Code of Iowa, that shall include students, parents, teachers, administrators and representatives of the community whose responsibility it is to make recommendations to the board.

B. **De Facto Segregation** - Segregation which is not caused or reinforced by the actions of public officials or their failure to act.

C. **De Jure Segregation** - Segregation which is the result of actions or failures to act on the part of public officials.

D. **Desegregation** - The affirmative act(s) of a local school board which causes the elimination and/or prevention of racial isolation of students with respect to educational programs and staff with respect to employment and assignment.

E. **Desegregation/Integration Plan** - A comprehensive school district plan for desegregating/integrating its attendance centers and/or educational programs.

F. **Desegregation/Integration Plan Amendment** - A basic change in a local school district's desegregation/integration plan, which may be needed to maintain integrated attendance centers and educational programs, in the face of changing conditions within the school district.

G. **Desirable Learning Atmosphere** - School climate that is conducive to learning for all students.

H. **Educational Equity** - The condition that exists when educational programs are designed and implemented to meet the common and unique needs of diverse cultural/racial groups, both males and females and the disabled. This condition reflects fairness and delivers educational services in an equitable way to all students regardless of race, national origin, gender, or disability.

I. **Integration** - The affirmative act(s) of a local school board which causes or maintains proportionate racial representation of students with respect to school attendance centers, educational programs, and staff with respect to employment and assignment.

J. **Integrated School** - A school in which (a) the minority enrollment is not more than 20 percentage points above the percentage of minority group children in the district, (b) the minority enrollments in all programs are within 10 percentage points of the minority enrollment in the school district, (c) the staff is racially representative of the school population or when it can be determined that the local school; the board is attempting to significantly increase the proportion of minority group teachers, supervisors. administrators and support staff in its employ, (d) the learning environment is characterized by mutual, cultural respect, interracial acceptance, a multicultural, nonsexist curriculum, and a staff that is responsive to the educational needs of all students.

K. **Language Diverse** - Students with limited English proficiency or students from homes where the primary language is not English.

L. **Long Range Goals** - Goals that are general in scope and may be thought of as being accomplished and providing direction for more than three years.

M. **Minority Groups** - Refers to racial/ethnic groups identified in R with the exclusion of white persons.

N. **Multiple Criteria** - At least one objective data source (i.e. tests) and one subjective data source (i.e., parent/teacher/self nomination forms) are used in the identification procedure.

O. **Needs Assessment** - A process by which educational needs of students of a school or school district are prioritized.

P. **Non-English Speaking Student** - Refers to a student whose native language is not English and whose inability or limited ability to speak, write or read English significantly impedes educational progress.

Q. **Philosophy** - A statement that clearly defines the beliefs and mission direction of the board, administration, staff, and community.

R. **Racial/Ethnic Groups/Categories** - The following are racial/ethnic categories as designated by the U.S. Department of Education, Office of Civil Rights. For the purpose of collecting and reporting data, a person may be included in the group to which he/she appears to belong, identifies with, or is regarded in the community as belonging to. However no person should be counted in more than one racial/ethnic category.

African American/Black (Not of Hispanic Origin) - A person having origins in any of the original peoples of Africa.

American Indian/Alaskan Native - A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliations or community recognition.

Asian/Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Pacific Islands, or the Indian subcontinent. This area includes, for example, China, India, Japan, Korea, the Phillipines, and Samoa.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish culture or origin - regardless of race.

White - (not of Hispanic Origin) - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

S. **Race Equity Progress Reports** - Periodic progress reports by local school districts to the State Board of Education on the implementation and effectiveness of their desegregation/integration plans.

T. **Racial Isolation** - In reference to (a) an attendance center means a condition in which the ethnic group enrollment is more than 20 percent above the minority student enrollment percentage of the district, (b) a program means a condition in which the ethnic student enrollment varies 10 percent or more from the ethnic enrollment percentage in the district and (c) where 5 to 10 percent of a District's enrollment are ethnically diverse and there is no ethnic group participation in program areas.

U. **Resegregation** - Recurring segregation in an attendance center or educational program that has been integrated through an integration plan, which is caused by actions of the local school board, the school administration or by demographic changes in the community.

V. **Second Generation Desegregation Issues** - Concerns related to integrating educational programs and staff after attendance centers have been integrated. Educational programs may include, but not limited to, student class and course assignments, student involvement in school activities, staff assignments. enrollments in special education and gifted programs, suspension, expulsion and dropout rates, multicultural curriculum efforts, parent communications and other activities related to providing a quality integrated education program for all students.

W. **Short Range Goals** - Goals that are general in scope and may be thought of as being accomplished and providing direction for a period of one to three years.

X. **Student Achievement/Performance** - The measurable growth of an individual student in all curriculums within the school.

SCHOOL ACCREDITATION STANDARDS RELATED TO RACE EQUITY

The following standards are contained within the general accreditation standards for Iowa schools. They are listed here because of their direct linkage into the school integration process and the local districts' assurance toward equal opportunity. Special headings are provided to call attention to race equity issues in the standards presented.

These standards are designed to insure that each child has access to educational programs essential to his/her needs and abilities regardless of racial/ethnic category, national origin, gender, disability, language, socio-economic background, or geographic location. Adopted from Chapter 281-12 of the Iowa Administrative Code, November, 1989.

Data to be utilized or requested as documentation for meeting the following standards can be attained by completing information as requested on the Annual Race Equity Review Status Sheet. (See Appendix A)

INTEGRATION

12.1(1) EDUCATIONAL UNITS GOVERNED BY STANDARDS. These standards govern the accreditation of all prekindergarten, if offered, or kindergarten through grade twelve school districts operated by public school corporations and the accreditation, if requested, of prekindergarten or kindergarten through grade twelve schools operated under nonpublic auspices. "School" means prekindergarten, if offered, and any organizational pattern of kindergarten through grade twelve of an elementary-secondary education program. Equal opportunity in programs shall be provided to all students regardless of race, national origin, sex, or disability. Each board shall take affirmative steps to integrate students in attendance centers and courses. In order to monitor progress, district, attendance centers, and course enrollment, data shall be collected on the basis of race, national origin, sex, and disability, and reviewed and updated annually.

COMMENT

The emphasis of this standard relates to the integration of students in attendance centers and program areas on the basis of racial/ethnic category.

EXAMPLES OF DOCUMENTATION

Data on enrollments in attendance centers, programs and courses by racial/ethnic category, gender, and disability (refer to Annual Race Equity Review Status Sheet for format of gathering data).

Data on co-curricular activities (i.e. debate, swimming, band, etc.) and programs (i.e. gifted, special education, etc.) by racial/ethnic category.

Desegregation plans to affect building integration and program integration.

Board policy on integration and documentation of integration activities.

Process or plan for collecting and reporting basic educational data by racial/ethnic category, national origin, gender, and disability.

12.3(3) NEEDS ASSESSMENT, STATEMENT OF PHILOSOPHY, AND LONG-RANGE PLANS. The board, in compliance with Iowa Code section 280.12 and as a standard for accreditation, shall adopt and implement a process for conducting an ongoing needs assessment for the school or school district. Information obtained from this process shall be used by the board, in conjunction with other data, to establish and update both long-and short-range plans which include specific goals for meeting the identified needs. The purpose of the assessment process is twofold: first, to assist the board in developing and evaluating a statement of philosophy for the school or school district; and, second, to determine the areas of student performance, knowledge, and attitudes which are judged to be most crucial in meeting school or district goals. This process for school districts shall comply with Iowa Code 280.18 requiring the adoption of goals to improve student achievement and performance. As part of its assessment, the board shall develop a process for communicating with business, industry, labor, and higher education regarding the expectations for adequate student preparation.

The statement of philosophy shall describe the board's beliefs about topics which shall include, but need not be limited to, the nature of learning, the purpose of the school or school district, the scope of educational experiences that the school or school district should provide, the nature of its learners, and a description of a desirable learning atmosphere.

While there are various procedures or models that may be used in conducting a needs assessment, the following basic steps shall be included. School goals shall be identified and stated in terms of what learners should be able to perform as a result of their schooling. The board shall determine which of these goals represent learning that would help the majority of the students in each course assume responsibilities as citizens, parents, and wage earners. Such identified goals shall be called basic skills and should be given the highest priority.

School staff, students, parents, and and community members shall recommend courses to be offered above requirements established by subrules 12.5(1-1) and within the optional areas described in subrules 12.5(5g5h5i). Recommendations of this committee shall primarily reflect both the identified needs and resources of the school or school district. Assessment procedures, including those persons responsible for the assessment, shall be identified for goals in the basic skills areas, and performance criteria shall be established and reviewed.

In identifying school goals, specific consideration shall be given to the five-year plan for the achievement of educational goals in Iowa developed by the state board of education as required by Iowa Code subsection 256.7(4).

As part of its needs assessment policy the board shall include provisions for keeping its various publics regularly informed of its policies, procedures, programs, and planning for the school or school district. This policy shall ensure involvement and consultation with students, parents, teachers, administrators, and representatives from the community in developing the various processes required by Iowa Code section 280.12.

EXAMPLES OF DOCUMENTATION

Board adopted philosophy goals.

Achievement data by racial/ethnic category, gender, national origin, and disability.

DISCIPLINE

12.3(8) STUDENT RESPONSIBILITY AND DISCIPLINE. The board shall adopt student responsibility and discipline policies. In developing or revising such policies, the board shall involve parents, students, instructional and noninstructional professional staff, and community members. Student responsibility and discipline policies shall relate to the educational purposes of the school or school district. The policies shall include, but need not be limited to, attendance; use of tobacco and the use or possession of alcoholic - beverages or any controlled substance; violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, corporal punishment, and physical restraint; behavior; participation in extracurricular activities; academic progress; and citizenship.

In developing and applying student responsibility and discipline policies the board shall ensure due process rights for students and parents. In some instance this may require developing separate policies for students who have been identified as requiring special education programs and services.

The board shall also consider the potential of disparate impact on students by virtue of race, sex, disability, or national origin.

The board shall publicize its support of these policies; its support of the staff in enforcing them; and the staff's accountability for implementing them.

EXAMPLES OF DOCUMENTATION

Board policies on student responsibility and discipline.

Documentation and verification of the involvement of parents, students, instructional and noninstructional professional staff, and community members representative of the student population.

Student handbook showing policy and due process procedures.

Data on suspensions and expulsions by racial/ethnic category, national origin, gender, and disability.

Data on suspension by attendance centers and infraction.

12.5(8) BOARD OF DIRECTORS' RESPONSIBILITY FOR ENSURING MULTICULTURAL, NONSEXIST APPROACHES TO EDUCATIONAL PROGRAMS.
This standard applies only to public school districts. The board shall establish a policy to ensure the school district is free from discriminatory practices in its educational programs. In developing or revising this policy, parents, students, instructional and noninstructional staff, and community members shall be involved. In addition, each board shall adopt a written plan to be evaluated and updated at least every five years, for achieving and maintaining a multicultural, nonsexist educational program. A copy of the plan shall be on file in the administrative office of the district. The plan shall include:

a. Multicultural approaches to the educational program. These shall be defined as processes which foster knowledge of, respect and appreciation for, the historical and contemporary contributions of diverse cultural groups to society. Special emphasis shall be placed on Asian Americans, Black Americans, Hispanic Americans, American Indians, and the handicapped. The program shall provide equal opportunity for all participants regardless of race, color, age, national origin, religion, or handicap.

b. Nonsexist approaches to the educational program. These shall be defined as processes which foster knowledge of and respect and appreciation for the historical and contemporary contributions of men and women to society. The program shall reflect the wide variety of roles open to both men and women and shall provide equal opportunity to both sexes.

The plan shall also include specific goals and objectives, with implementation timelines for each component of the educational program; specific provisions for the infusion of multicultural, nonsexist concepts into each area of the curriculum developed under the provisions of subrule 12.5(14); a description of the inservice activities planned for all staff members on multicultural, nonsexist education; and evidence of systematic input by men and women, minority groups, and the handicapped in developing and implementing the plan. In schools where no minority students are enrolled, minority group resource persons shall be utilized at least annually. A description of a periodic, ongoing system to monitor and evaluate the plan shall also be included.

EXAMPLES OF DOCUMENTATION

Board policy on multicultural, nonsexist education.

The multicultural, nonsexist education plan shall include:

1. Date of adoption.
2. Specific goals and objectives with timelines for each program area.
3. Strategies for ongoing staff development.
4. Evidence of ongoing input from diverse racial/ethnic groups, both men and women and the disabled.
5. Specific provisions for infusion into written curriculum.
6. System for monitoring and evaluating implementation of the plan.

Registration Handbooks.

Curriculum Guides.

Staff Evaluation Processes and Forms.

SPECIAL EDUCATION

12.5(9) SPECIAL EDUCATION. The Board of each school district shall provide special education programs and services for its resident children which comply with rules of the state board of education implementing Iowa Code Chapters 256, 273, 280, and 281.

COMMENT

Subrule 41.16(4), Iowa Administrative Code, "Appropriate evaluation instrument," directs the following safeguards.

"When assessment and diagnostic procedures and instruments are selected, adjustments shall be made, where necessary, to account for sensory and physical differences, behavioral and perceptual characteristics, sociocultural and linguistic background and home environment of pupils. The appropriateness of such procedures and instruments shall be considered in administering of such tests and evaluating the results."

EXAMPLES OF DOCUMENTATION

Special education enrollments by racial/ethnic category, gender, program placement (i.e. self contained, resource, etc.) and disability.

Culture and language fair evaluation procedures.

Endorsements and programs by attendance centers.

Make-up of Special Education staff.

The federal regulations governing special education requires nondiscriminatory evaluation. The nondiscriminatory provisions dictate that the child be evaluated in all areas of suspected disability and in a way that is not biased by the child's language or cultural characteristics or handicaps. It further requires that evaluation be made by a multidisciplinary team, and no single evaluation procedure be used as the sole criteria for placement or planning.

GIFTED EDUCATION

12.5(12) PROVISIONS FOR GIFTED AND TALENTED STUDENTS. The Board shall have a program to meet the needs of gifted and talented students. The program shall include valid and systematic procedures, employing multiple criteria, for identifying gifted and talented students including ethnic and language diverse students if such students are enrolled; provisions for curricular programming to meet the needs of identified gifted and talented students; support services, including materials and staff, to ensure that a qualitatively differentiated program is provided; and a procedure for annual review and evaluation for the purpose of program improvement.

COMMENT

Specific strategies for the identification of ethnic and language diverse students is required for any district where such students are enrolled.

EXAMPLES OF DOCUMENTATION

Specific criteria for the identification of racial/ethnic and language diverse students.

Program enrollments by racial/ethnic categories and national origin.

Multicultural, nonsexist components of the gifted education program if a written curriculum or plan exists.

Make-up of gifted education program staff.

AT RISK/SPECIAL ASSISTANCE

12.5(13) PROVISIONS FOR AT-RISK STUDENTS. The board shall have a plan to identify and provide special assistance to students who have difficulty mastering the language, academic, cultural, and social skills necessary to reach the educational levels of which they are capable. The plan shall accommodate students whose aspirations and achievement may be negatively affected by stereotypes linked to race, national origin, language background, gender, income, family status, and disability.

The plan shall include strategies for identifying at-risk students. These objectives shall be translated into performance objectives for all school personnel. The program shall also include provisions for inservice training for school personnel; strategies and activities for involving and working with parents; provisions for monitoring the behavioral, social, and academic improvement of at-risk students; provisions for appropriate counseling services; strategies for coordinating school programs and community based support services; and maintenance of integrated educational environments in compliance with federal and state nondiscrimination legislation.

EXAMPLES OF DOCUMENTATION

Board approved K-12 plan including the following nine components:

1. Strategies for identification of at-risk students.
2. Special instructional assistance.
3. School-based support services (food and nutrition, health, psychological, social, speech, etc.)
4. Appropriate counseling services.
5. Coordination with community-based support services.
6. Strategies for involving parents.
7. Involvement of and inservice for all school personnel.
8. Compliance with federal and state nondiscrimination legislation.
9. provisions for monitoring behavior, social and academic improvements.

Timeline for implementation.

Data on at-risk students by racial/ethnic category, national origin, gender, and disability.

Safeguards to providing integrated rather than segregated programs.

CURRICULUM INFUSEMENT

12.5(16) CURRICULUM DEVELOPMENT, REVIEW, AND REFINEMENT. The board shall adopt a policy outlining its procedures for developing, implementing, and evaluating its total curriculum. Each curriculum area shall have goals; suggested instructional activities, materials, and content; and expected student outcomes for each level of instruction. The policy shall identify valid, bias-free student assessment procedures and the process for monitoring students progress.

This policy shall include procedures and timelines for reviewing each instructional program, with attention given to interdisciplinary teaching of higher order thinking skills, learning skills, and communication skills.

COMMENT

The aforementioned standard sets the parameters for what is expected in infusing multicultural nonsexist components into each component of the curriculum in each curriculum area.

EXAMPLES OF DOCUMENTATION

Policy and procedures for developing, implementing and evaluating the curriculum.

Program descriptions and course offerings.

Written curriculum for sample subject areas including:

1. Goals and student outcome statements.
2. Content outlines.
3. Suggested materials and activities.
4. Identification of valid and bias free student assessment procedures.

Board policy and procedures for the selection and adoption of textbooks and instructional materials.

IOWA CODE REQUIREMENTS RELATED TO RACE EQUITY

LIMITED ENGLISH PROFICIENCY PROGRAMS

LIMITED ENGLISH PROFICIENCY PROGRAMS. Chapter 280.4, Iowa Code, states in part, . . "When the student is non-English speaking, both public and nonpublic schools shall provide special instruction, which shall include but not be limited to, either instruction in the English language or a transitional bilingual program, until the student demonstrates a functional ability to speak, write, read and understand the English language."

DEFINITION OF TERMS

Non-English speaking student refers to a student whose native language is not English and whose inability or limited ability to speak, write or read English significantly impedes educational progress.

EXAMPLES OF DOCUMENTATION

Enrollment data on limited English proficiency (LEP) students in courses, programs and co-curricular activities.

The instruments used to conduct home language surveys.

LEP and bilingual enrollment data by attendance centers.

Identifiable standards and diagnostic tests for determining entry and exit criteria for LEP students.

Staff development component related to LEP students.

Method for evaluating the district's bilingual or English as a Second Language (ESL) programs.

Description of the program services to LEP students.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

EMPLOYMENT - AFFIRMATION ACTION. Chapter 19B.11, Iowa Code, states in part,

It is the policy of this state to provide equal employment opportunity in school district, area education agency, and merged area school employment to all persons. An individual shall not be denied equal access to school district, area education agency, or merged area school employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in school district, area education agency, and merged area school employment systems where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

The director of the Department of Education shall actively promote fair employment practices for all school district, area education agency, and merged area school employees, and the state board of education shall adopt rules requiring specific steps by school districts, area education agencies, and merged area schools to accomplish the goals of equal employment opportunity and affirmative action in the recruitment, appointment, assignment, and advancement of personnel. Each school district, area education agency, and merged area school shall be required to develop affirmative action standards which are based on the population of the community in which it functions, the student population served, or the persons who can be reasonably recruited. The director of education shall consult with the department of personnel in the performance of duties under this section.

EXAMPLES OF DOCUMENTATION

Board policy on nondiscrimination and affirmative action employment.

Process for having affirmative action plan on file by July 1, 1990.

The Equal Employment Opportunity and Affirmative Action Plan (After July 1, 1990).

Data on certified and classified staff by racial/ethnic category, national origin, gender, disability, and instructional level (i.e. elementary, junior high and high school).

Training provided to staff who hire and supervise employees.

Evidence of systematic input from diverse racial/ethnic group persons, both women and men and persons with disabilities into the plan.

Activities of the E.E.O./AA coordinator.

Up to date work force analysis by race racial/ethnic, gender and disability.

Documented self-evaluation of employment and personnel practices.

Qualitative and numerical goals of the agency.

RELATED STATUTES AND COURT DECISIONS

Brown vs. Board of Education (1954) outlawed "de Jure" segregation. The Supreme Court ruled that racially segregated schools were inherently unequal and practices fostering them as unconstitutional.

Green vs. Board of Education of Kent County, Virginia (1968) ended the use of freedom of choice for desegregating segregated schools. The court ruled if freedom of choice plans had no impact on the level of segregation, it decreed that alternative methods be used.

Swann vs. Charlotte Mecklenburg (North Carolina) Board of Education (1971) stated that racially identifiable schools must cease to exist, and it sanctioned district-wide busing.

Keyes vs. School District No. 1, Denver, Colorado (1973) stated that official action leading to "de facto" segregation must be viewed in the same manner as "de jure" segregation.

Morgan vs. Kerrigan 401 F. Supp 216 (D. Mass 1975) sanctioned magnets as a component of a desegregation plan. The court later decided that a magnet plan could substitute for involuntary techniques

Title VI of the Civil Sights Act of 1964 prohibits discrimination against students on the grounds of race, color or national origin in educational agencies receiving federal funds. It covers admissions, access to courses, programs and school activities, as well as board and administrative policies and practices.

Amendment XIV of the U.S. Constitution (1868) states that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law. The precept of the Fourteenth Amendment was to eliminate racial inequality imposed by state-fostered segregation in education and other areas.

However, it took the passage of Brown vs. The Board of Education to put into enforceable measures the end to segregation in education.

Chapter 601A.9 Iowa Code- Civil Rights Commission prohibits discrimination on the basis of race, sex, national origin, creed, color, religion, disability and parental/family or marital status in educational programs in Iowa.

SELECTION INTO THE RACE EQUITY REVIEW PROCESS

There are two procedures utilized to select a local educational agency into the race equity review process or the integrating process. They are as follows:

A. DESK AUDIT

When review of employment data indicates a lack of proportional representation of minorities.

When review of attendance center and program enrollments indicates racial isolation.

Racial isolation in an attendance center or educational program is a condition in which the minority group enrollment is more than twenty percent above the minority student enrollment percentage of the district, or a program is a condition in which the minority student enrollment varies ten percent or more from the minority enrollment percentage in the district, or where more than five percent of the district's enrollment are ethnically diverse and there is no ethnic group participation in programs areas.

B. COMPLAINTS OR STAFF RECOMMENDATIONS

The director of the Department of Education may initiate a race equity review based on department staff recommendations or complaints received from persons in a district.

RACE EQUITY REVIEW PROCESS COMPONENTS

When it has been determined by the desk audit review process or at the director's discretion that a comprehensive on-site review is needed to assess the local education agency's efforts to achieve building and program integration, the following issues of integration become the focal point of the on-site race equity review.

Component One - Desegregation/Integration

The first component of the on-site review process monitors compliance with standard 12.1(1) which requires local boards to take affirmative steps to integrate students in attendance centers and in courses. This review also meets, in part, the state's responsibility for federal Title VI monitoring.

A district will be reported as out of compliance with this component if the following conditions are present: there is racial isolation and the district has failed to recognize this isolation and has failed to take affirmative steps to reduce or eliminate this isolation.

Component Two - Educational Equity

The second component is broader and speaks to other standards and requirements (including 12.1(l) which require proportionate representation in educational programs, school activities and in staff employment and assignment. Educational programs are also designed and implemented to meet the common and unique needs of diverse cultural and racial/ethnic groups. This component also reviews the fairness and equity of the delivery of educational and other student services to all students regardless of racial/ethnic category, national origin, gender or disability. These issues are often labeled "second generation" desegregation issues.

A district will be reported as out of compliance with the standards and requirements in this component if there is a failure to take affirmative steps to correct these conditions.

SCOPE OF THE ON- SITE RACE EQUITY REVIEW

The Race Equity On-Site Review places emphasis on the following first and second generation desegregation issues:

FIRST GENERATION ISSUES

1. Building Enrollment Patterns.
2. Enrollment Strategies (i.e. voluntary or involuntary transfer).

SECOND GENERATION ISSUES

1. Employment and Staff Development.
2. Special Education.
3. Special Programs (i.e. English as a Second Language, At-Risk Student Programs, etc).
4. Multicultural, Nonsexist Education Curriculum and Program Infusion.
5. Course Enrollment Patterns (K-12).
6. Co-curricular Activities.
7. Suspensions/Dropouts/Expulsions
8. Achievement Test Score Data.
9. Gifted Education.
10. Community Relations.

THIRD GENERATION ISSUES

1. Resegregated attendance centers or buildings coupled with any of the following:

   a. Segregated programs (i.e. ability-grouping that isolates students on the basis of race, national origin or sex).

   b. Limited teacher expectation for minority students.

   c. Cultural bias of instructional methods.

THE ON-SITE REVIEW

A. NOTIFICATION OF ON-SITE REVIEW

Selection for an on-site visit is determined by the review cycle as indicated on page 16 and 21. Districts cited as first time desegregating districts will receive on-site reviews annually for the first three years. After the third year review, the department will determine the cycle period for a district's on-going reviews. Districts selected for reviews will be notified of the impending review by September 30 of each year. The on-site reviews will be conducted between October and May of the same academic year.

The notification letter will include the following information:

1. Dates of the review.
2. Members of the review team.
3. Data to be reviewed.
4. Program areas to be reviewed and observed.
5. Persons to be interviewed.
6. Target areas/attendance center(s) of concern.
7. Materials to be reviewed.

B. AREAS TO BE REVIEWED

The team will assess the participation of ethnically and language diverse students in comparison to their percentage in the district in the following areas:

1. Student enrollment patterns in higher level courses (emphasis in science, math, language arts, foreign language and history).

2. Student enrollment patterns in remedial type program areas (i.e. Chapter I, Alternative Grades, etc).

3. Suspension rates by building, infractions and racial/ethnic category.

4. Drop-out and expulsion rates by racial/ethnic categories and attendance center(s).

5. Employment patterns and placement of ethnically diverse staff administratively certified and classified along with review of the district's affirmative action plan.

6. English as a Second Language program exit and entry criteria, along with reviewing the basic functioning of the program and staff training.

7. Participation in co-curricular activities (i.e. vocal/instrumental music programs, debate, cheerleading, drama, etc).

8. Multicultural, nonsexist education plan and implementation.

9. Participation patterns in any voluntary or involuntary transfer program or open enrollment program.

10. Special education enrollment patterns by disability category, program (i.e. self contained, resource, etc) and racial/ethnic category, along with review of placement procedures.

11. Gifted education program enrollments by grade level (elementary, junior high and high school) by racial/ethnic category, along with review of criteria for selection into program.

12. Staff development related to areas of cultural sensitivity, ESL and other equity issues.

13. District-wide committees by sex and racial/ethnic category.

14. Community relations. A community forum is scheduled by the Department of Education with assistance from the district and community organization during the review to gather input from ethnically-diverse oriented organizations, parents, and interested citizens to ascertain their perspective on the district's efforts to fulfill the spirit of integration and to ascertain the relationship between the community and the district.

The aforementioned are among the more basic areas of review. In some Districts there are unique areas reviewed which are not listed.

C. SPECIFIC ITEMS TEAM MEMBERS MAY WANT TO REVIEW

1. Discipline policies and building level discipline reports by infractions and racial/ethnic category.

2. Student/parent and staff handbooks.

3. Voluntary transfer or open enrollment brochures and related information.

4. Multicultural Nonsexist Education Plan.

5. Affirmative Action Plan.

6. Selected curriculum guides and instructional textbooks.

7. Board policy book(s).

8. Grievance file for students, parents and staff.

9. Evaluation forms for certificated, classified and administrative staff.

10. Employment data by instructional level (i.e. elementary, junior high and high school) job category, racial/ethnic category, gender and disability.

11. Special education data by program area (i.e. learning disability, mental disability, etc.), classroom placement (i.e. resource, self contained, etc.) and racial/ethnic group composition.

12. District adopted or vitalized special education placement procedures.

13. Handbooks for co-curricular activities and programs.

14. Membership list for agency advisory committees and building parent/teacher association by ethnicity.

15. Membership list for student organizations by racial/ethnic category.

16. Enrollments in math, science and higher level language arts and computer courses by racial/ethnic category.

17. English as a Second Language and bilingual education program enrollments by racial/ethnic category along with entry and exit criteria.

18. Lists of awards (academic and athletic) by racial/ethnic category and area for the previous school year.

19. Information of special program offerings such as Chapter I, remedial/tutorial and support services programs and enrollments by racial/ethnic categories and gender.

D. LENGTH OF ON-SITE REVIEWS

The Race Equity On-Site Reviews may be two to four days in length. This will vary with size of district being reviewed.

E. MEMBERS OF THE REVIEW TEAM

The on-site review team may consist of two members from the department of education. The lead member of the team will always be an equity consultant or administrator. In large school districts additional team members from the department or other agencies may be added.

RACE EQUITY REVIEW TIMELINE FOR DESEGREGATION DISTRICTS

Annual Cycle - Districts will receive an annual Race Equity Review if racial isolation exists in any attendance center.

Two-Year Cycle - Districts placed on a two-year review cycle are those attaining compliance with their first desegregation plans.

Three-Year Cycle - Districts placed on a three-year review cycle are those who have maintained integration in attendance centers for at least three years.

Exiting the Cycle - Districts will be formally excused from the Race Equity Review program when all attendance centers and educational programs are integrated and maintained for three years.

The following review cycle has been established for the present twelve desegregating districts. Cycles have been determined by the aforementioned criteria. This cycle is reviewed annually and is subject to change based on new information received from districts.

One Year	Two Year	Three Year
Davenport	(none at this time)	Burlington
Des Moines		Cedar Rapids
Sioux City		Council Bluffs
Waterloo		Fort Dodge
		Iowa City
		Mason City
		Muscatine
		South Tama

Timeline Schedules

1990	1991	1992	1993
Davenport	Burlington	Davenport	Davenport
Des Moines	Cedar Rapids	Des Moines	Des Moines
Iowa City	Council Bluffs	Fort Dodge	Iowa City
Muscatine	Davenport	Mason City	Muscatine
Sioux City	Des Moines	Sioux City	South Tama
South Tama	Sioux City	Waterloo	Sioux City
Waterloo	Waterloo		Waterloo

ANNUAL RACE EQUITY REVIEW SCHEDULE

Date	Activity
August	Year end Race Equity Review Progress Report presented to the State Board. State Board action transmitted to LEAs.
September	Letter of notification sent to Superintendent denoting on-site review dates and the Race Equity Review Data Sheets.
Academic Year	Technical assistance provided to desegregating districts, concerned parents, community groups and organizations upon request.
	Race Equity on-site reviews conducted in educational agencies. Agencies will be notified of the results of the reviews within forty-five (45) days after the on-site review.

POST ON-SITE REVIEW COMMUNICATION

Within 45 days following the on-site review, districts will receive a draft of their race equity progress report for review. Districts will have 30 days to submit corrections and clarifications to information contained in the report. The corrected final report will be provided to the district within 15 days of receipt of corrections and clarifications.

The report will include the following components.

1. Summary of the district's desegregation history.
2. Data and summary of current program and/or review areas.
3. Summary of findings, which will consist of three parts; Commendations, Recommendations and Areas of Noncompliance.

An annual summary of the Race Equity Reviews will be prepared for submission to the State Board of Education at its August meeting.

DISTRICT RESPONSIBILITY FOR ON-SITE FINDINGS

If during the on-site review areas of noncompliance are identified, the following procedures are in order.

1. The district will receive a final report including a summary of findings. District officials may request a meeting with Department officials to discuss and clarify issues in the summary of findings.

2. Within 90 days of receipt of the final report, district officials are requested to submit to the Department of Education a Plan of Action with timelines which address all areas of noncompliance in the summary of findings. The district may choose to address areas of concern within that plan.

3. Department officials will review and approve or disapprove the Plan of Action within 30 days.

4. Technical assistance is available (upon request) from the Department of Education.

COMPONENTS OF THE PLAN OF ACTION

A. Local boards maintaining racially isolated attendance centers and education programs will be asked to submit, within 90 days, a desegregation/integration plan detailing steps the district will take to integrate the identified attendance centers and programs.

B Upon receipt of a request for the desegregation/integration plan, the local school board may, in connection with the development of its plan, request technical assistance from the Department of Education.

C. The desegregation/integration plan should contain the following components:

   1. A commitment by the local school board to work toward the integration of the identified attendance centers and educational programs.

   2. A detailed description of the specific action(s) to be taken to integrate the attendance center(s) and educational program(s) and a statement of the intended effect of each proposed action.

   3. A timetable showing the projected dates of implementation and completion for each proposed action.

   4. A description of how racially diverse community groups and parents will be involved in the development and implementation of the plan.

   5. A description of supportive multicultural curriculum development and implementation.

   6. A description of supportive staff development offerings for staff and students.

D. In the formulation of plans to prevent or eliminate racial isolation in attendance centers, local school boards should consider and employ all methods that are educationally sound and administratively and economically feasible, including, but not limited to: school pairing and clusters; grade reorganization; alteration of school attendance zones or boundaries; pupil assignments, open enrollment and voluntary transfer plans consistent with the condition of these guidelines; rearrangement of school feeder patterns, inter-district cooperative plans; magnet schools, magnet programs, and parent choice; differentiated curriculum or other program offerings at schools serving children of predominantly different racial/ethnic groups at the same grade level; reassignment of faculty and other personnel; and affirmative action plans for recruitment, hiring, assignment and promotion in employment.

E. In the formulation of plans to prevent or eliminate racial isolation in education programs, local boards should consider and employ all methods that are educationally sound, and administratively and economically feasible including, but not limited to systematic reviews of the programs to identify the primary causes of the over or under inclusion of minority students, a systematic review of administrative or counseling practices to insure that they have not contributed to racial isolation within programs, the development of transitional plans with strategies for integrating the programs, review and change of registration and enrollment procedures for identified programs, preparatory and supplemental curricular programs for students who are underrepresented, elimination of ability grouping practices which may result in racial isolation, affirmative recruitment and enrollment techniques, parent and student information seminars about programs and careers, curriculum change and multicultural curriculum efforts, and validation of prerequisite or assessment measures used to make enrollment decisions.

F. The Department of Education requests that local school boards do not, as part of a desegregation/integration plan, involuntarily assign minority students to attendance centers where the resulting minority percentage would be less that 5 percent.

G. Desegregation/integration plans should be designed to foster socio-economic integration as well as racial integration when possible.

H. Plans that are based solely upon parent-pupil choice, or are otherwise voluntary or optional, will fulfill these guidelines only to the extent that they actually prevent or eliminate racial isolation in schools and educational programs.

I. Desegregation/integration plans should be equitable and nondiscriminatory on the basis of racial/ethnic category, national origin, gender or disability. The process of integration should be shared by all and not borne disproportionately by pupils and parents of racial/ethnic identifiable or low income groups.

J. All decisions by local school boards concerning the following topics should take into consideration the prevention and elimination of racial isolation.

1. Selection of sites for new schools.
2. Additions to or the closing of existing facilities.
3. Expansion of education programs.
4. Cutbacks in educational programs due to declining enrollment or decrease in funding.
5. School district reorganization.
6. Selection of sites for programs serving selected populations such as gifted students, limited English proficiency students, and disabled students.

FAILURE TO COMPLY

Districts failing to submit a Plan of Action taking affirmative steps to ensure compliance with the equity provisions of the school accreditation standards will be subject to the Phase II provisions of the accreditation process as outlined in Chapter 256.11 of the Iowa Code.

Phase II

A. Actions that could initiate a Phase II visit

1. Department staff recommends a committee visit based upon results of regular visit. Notification and approval provided through bureau chief and division administrator. The guidelines in preparation of the recommendation for the Phase II visit are as follows:

    a. Prepare a brief written description of areas of noncompliance.
    b. Briefly describe communications provided to the local district.
    c. Briefly describe efforts by the district to take corrective action and identify other problems that are anticipated.
    d. Describe Phase II team and date of visit.

2. Petition filed with director by 20 percent or more of registered voters. Assignment received through division administrator and bureau chief.

3 Petition filed with director by 20 percent or more of parents/guardians. Assignment received through division administrator and bureau chief.

4. Direction of the State Board. Assignment received through director, division administrator and bureau chief

B. Logistics of Phase II visit

1. Composition of committee will be determined by consultant and bureau chief with the approval of administrator or director. The committee will include persons of racial/ethnic diversity and men and women.

    a. Chair - equity or accreditation consultant
    b. Accreditation Committee consisting of no less than three members.

2. Duties and responsibilities of Accreditation Committee

   a. Conduct desk audit by reviewing:
      1) Summer B.E.D.S.
      2) Fall B.E.D.S.
      3) Waivers requested and granted
      4) Previous accreditation reports
      5) MOA and equity reports
      6) North Central Association Evaluation Reports
      7) Other pertinent reports and materials including correspondence

b. Conduct on-site visit
   1) Schedule visit with administrator at least two weeks in advance.
   2) Confirm visit by letter outlining material needed, including individuals to be interviewed, time with chief administrator and exit conference with chief administrator and board of education.
   3) Review all documents referred to in confirmation letter.
   4) Thoroughly review issues triggering accreditation committee visit as well as all other standard compliance issues.
   5) Conduct exit meeting with chief administrator and board outlining findings and probable recommendations to be made to the director.

c. Prepare written report of Accreditation Committee visit

   1) Prepare report immediately following the visit. To be presented to the director within ten calendar days of on-site visit.
   2) Written report shall be structured as follows:

      a) Summary of findings
      b) Commendations
      c) Strengths and weaknesses for each standard
      d) Potential areas of noncompliance
      e) Advise district or school of available resource and technical assistance
      f) Recommendation on whether or not district or school remains accredited
      g) Recommendation regarding substance and time line for district or school's written response to report

d. Prepare cover memorandum to director transmitting Accreditation Committee's report. This memorandum should include any recommendations regarding procedures and time lines for correction of deficiencies and an absolute deadline date for completion of procedures and compliance with standards.
e. Director shall review Accreditation Committee report.
f. Director shall provide report and recommendation to State Board.
g. If the State Board determines the district or school shall remain accredited. The director in cooperation with local board shall establish plan prescribing procedures to correct deficiencies and shall establish deadline date for completion of procedures.

h. This plan subject to approval by State Board.
i. District or school remain accredited during time specified in plan.
j. Accreditation Committee revisits district to determine if deficiencies have been corrected and make a report to the director and State Board.
k. State Board determines if deficiencies have been corrected.
l. If deficiencies are not all corrected, State Board shall merge the territory of the district with one or more contiguous school districts.
m. Until merger is completed district shall pay tuition to an accredited school.

The language contained above and in Chapter 256, Iowa Code, provides flexibility to the Department, director and the State Board in administering the accreditation process. The language provides the director the latitude to negotiate with the district in identifying and prescribing the procedures to be followed in correcting the deficiencies. Further, the law is specific in that a deadline date for completion of procedures and thus to come into compliance, is established through the negotiation process between the director and the district. The negotiated plan is provided by the director to the State Board for its review and approval.